

Mayor Kovach called the meeting to order at 7:30 p.m.

Flag Salute.

Roll Call: Present – Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

STATEMENT OF ADEQUATE NOTICE:

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

APPROVAL OF MINUTES

A motion was made by Mr. Smith seconded by Mr. Shea to approve the minutes of the Regular Council Meeting held January 10, 2012 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Duffy, to approve the minutes of the Special Council meeting held January 17, 2012 as submitted.

Vote all ayes
2 Abstentions (Valenta, Insel)
Motion carried

PUBLIC COMMENTS - None

MAYOR’S COMMENTS – None

RESOLUTION #41-12 – APPOINTMENT OF PUBLIC WORKS /BUSINESS ADMINISTRATOR AND APPROVAL OF AGREEMENT

Mayor Kovach announced that after reviewing and interviewing many impressive candidates, the Town of Clinton has chosen Richard D. Phelan as the new Public Works and Business Administrator to replace James T. Naples. An agreement has been drawn up and reviewed by both parties. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #41-12 authorizing the execution of the agreement between Mr. Phelan and the Town.

RESOLUTION #41-12

WHEREAS the Town of Clinton is in need of a Public Works and Business Administrator; and

WHEREAS the position has been advertised and 37 resumes were received and reviewed; and

WHEREAS the Search Committee narrowed the applicants down to 10 and further to three strong candidates; and

WHEREAS the Mayor and Council have made a decision to hire Richard D. Phelan as the new Public Works and Business Administrator; and

WHEREAS an agreement has been prepared and reviewed by both parties confirming compensation, benefits and duties;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is authorized to enter into an agreement with Mr. Phelan as described in said agreement with an official start date as March 1, 2012.

Vote all ayes
Motion carried

Mr. Phelan thanked the Mayor and Council and expressed his excitement to begin working with the Town of Clinton!

RESOLUTION #42-12 – AWARD OF CONTRACT TO COPPOLA SERVICES, INC.

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to accept the recommendation of Susan S. Brasefield, P.E., the Town Sewer Engineer, and award the contract for the Wastewater Treatment Plant Filter Replacement to Coppola Services, Inc. for an amount not to exceed \$997,450.00.

RESOLUTION #42-12

WHEREAS, on December 20, 2011, the Town of Clinton received bids from ten (10) prospective bidders for the Wastewater Treatment Plant Filter Replacement Project; and

WHEREAS, the bids were received and reviewed by Town Sewer Engineer, Susan S. Brasefield, P.E. and a recommendation was made for the lowest responsible bidder; and

WHEREAS, the lowest bid was submitted by Coppola Services, Inc. in the amount of \$997,450.00; and

WHEREAS, approval dated January 11, 2012 authorizing an award be made to the lowest bidder, Coppola Services, Inc. for their combined low bid of \$997,450.00 has also been received from the New Jersey Department of Environmental Protection Bureau of Construction and Connection Permits;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the Mayor and Clerk be authorized to execute a contract with Coppola Services, Inc. 28 Executive Parkway, Ringwood, New Jersey 07456, for an amount not to exceed \$997,450.00.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #43-12 – CANCELLATION OF LIEN

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #43-12, authorizing the Tax Collector to cancel the Lien on Block 22, Lot 7 in the amount of \$913.85.

RESOLUTION # 43-12

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$913.85 the amount necessary to redeem Tax Sale Certificate #2011-6 on Block 22, Lot 7, assessed to Dean & Valerie Romagnolo, and purchased by U.S. Bank-Cust / SASS MUNI VI dtr.

NOW THEREFORE BE IT RESOLVED, on this 14th day of February, 2012 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$913.85 (certificate) & \$300.00 (premium) payable to U.S. Bank-Cust/SASS MUNI VI dtr, 2 Liberty Place, 50 South 16th Street-Suite 1950, Philadelphia, PA, 19102, upon receipt of the original Tax Sale Certificate endorsed for cancellation, and

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2011-6 on Block 22, Lot 7, assessed to Dean & Valerie Romagnolo, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #45-12 – AWARD CONTRACT TO PENN BOWER, INC.

A motion was made by Mr. Smith, seconded by Mr. Shea, to award the Downtown Water Main Replacement Project to Penn Bower, Inc., in the amount of their combined low bid of \$549,334.00.

RESOLUTION #45-12

WHEREAS, on Tuesday, January 10, 2012 at 11:30 a.m., the Town of Clinton received bids from eleven (11) prospective bidders for the Downtown Water Main Replacement; and

WHEREAS, the bids were received and reviewed by Water Engineer, Andrew S. Holt, P.E. and a recommendation was made for the lowest responsible bidder; and

WHEREAS, the lowest bid was submitted by Penn Bower, Inc., 143 West Main Street, High Bridge, New Jersey 08829 for their combined low bid of \$549,334.00; and

WHEREAS, approval dated January 24, 2012 for the award to Penn Bower, Inc. has also been received from the New Jersey Department of Environmental Protection Division of Water Quality, Municipal Finance & Construction Element;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the Mayor and Clerk be authorized to execute a contract with Penn Bower, Inc. for their low bid of \$549,334.00.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

WATER REFUND

Council is in receipt of a request from Nancy Burgess, Water Collector, to refund \$672.58 for Joseph Benichou. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to grant the request as submitted.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

BANNER REQUEST

A banner request has been received from The Knights of Columbus #6245 and the North Hunterdon Newcomers Club to display a banner for the 6th Annual Chili Cook Off contest to be held Saturday, April 21, 2012. The banner will be displayed April 2, through April 9, 2012. A motion was made by Mr. Pendergast, seconded by Mr. Smith, to grant the request as presented.

Vote all ayes
Motion carried

FEE WAIVER – RED MILL MUSEUM VILLAGE

The Red Mill Museum Village is requesting the town rescind the construction permit fees that are required for the Back Flow test in the amount of \$65.00. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the request.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

ANNUAL FOOD LICENSE WAIVERS

Mr. Pendergast requested that this item be tabled until after Executive Session, Contract Negotiations.

INTRODUCTION OF ORDINANCE #12-1 – CLOTHING BINS

A motion was made by Mrs. Insel, seconded by Mr. Smith, to introduce Ordinance #12-1 on first reading:

ORDINANCE NO. 12-1

WHEREAS, N.J.S.A. 40:48-2.6 requires a permit for the placement or use of clothing bins for solicitation purchases.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, as follows:

1. No person shall place, use or employ a donation clothing bin for solicitation purposes within the Town of Clinton unless the following requirements are met.
 - A. The person has obtained a permit, valid for one year, from the Town of Clinton Clerk.
 - B. The Clerk shall issue a permit only if the person applying has supplied the following information:
 - (1) The location where the bin would be situated, as precisely as possible; and

- (2) The manner in which the person anticipates any clothing or other donation collected via the bin would be used, sold or dispensed and a method by which the proceeds of the collected donations would be allocated or spent; and
 - (3) The name and telephone number of the bona fide office required by Section 7 of this Ordinance of any entity which may share or profit from any clothing or other donations collected via the bin; and
 - (4) Written consent of the property owner to place the bin on the property is supplied.
2. The Clerk shall not grant an application for a permit to place, use or employ a donation clothing bin, if he/she determines that the placement of the bin could constitute a safety hazard. Such hazard shall include, but not limited to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases, or the placement of the donation clothing bin would constitute a traffic hazard.
 3. The fee for the application for a donation clothing bin shall be \$25.
 4. An expiring permit for a donation clothing bin may be renewed upon application for renewal and payment of a fee of \$25.
 5. The application for donation clothing bin shall include the following:
 - A. The location where the bin is situated, as precisely as possible; and
 - B. If the person intends to move the bin, the new location where the bin would be situated after the renewal is granted, and written consent from the property owner to place the bin on his/her property; and
 - C. The manner in which the person has used, sold or dispensed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates he/she may make in these processes during the period covered by the renewal; and
 - D. The name and telephone number of the bona fide office required pursuant to Section 7 of this Ordinance of any entity which shared or profited from any clothing or other donations collected via the bin and of any entities which may do so during the period covered by the renewal.
 6. The Clerk shall issue a permit number and the permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the donation clothing bin, in addition, to the information described in Section 8, of this Ordinance.
 7. The person, and any other entity which may share of profit from any clothing or other donations collected by the bin, shall maintain a bona fide office where a representative of the person or entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this Ordinance section, an answering machine or service unrelated to the person does not constitute a bona fide office.

8. The following information shall be clearly and conspicuously displayed on the donation clothing bin:

- A. The name and address of the registered person that owns the bin and of any other entity which may share or profit from clothing or other donations collected via the bin; and
- B. The telephone number of the person's bona fide office, and if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin; and
- C. In cases where any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds or both, may be shared or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and
- D. A statement consistent with the information as required by Section 1.B(2) of this Ordinance, indicating the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold or dispensed and Section 5.C indicating the method by which the proceeds of the collected donations would be allocated.

9. Any person who misstates information required by this Ordinance or who violates the terms of this Ordinance shall be subjected to a fine not exceeding \$2,500, imprisonment for up to 30 days, or community service for up to 30 days.

10. This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes
Motion carried

A notice of this ordinance will be published in the Hunterdon Review in the February 1, 2012 edition. A second reading and public hearing will be held February 28, 2012.

INTRODUCTION OF ORDINANCE #12-2 – AMENDMENT TO FEE SCHEDULE

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to introduce Ordinance #12-2 on first reading as submitted:

ORDINANCE #12-2

AMENDING SUBSECTION 73 FEE SCHEDULE

SUBSECTION G: UNIFORM CONSTRUCTION CODE FEES

WHEREAS, the Town of Clinton is required to conform with State of New Jersey Department Division of Codes and Standards, and;

WHEREAS, the Division mandates that backflow preventers must be tested and certified annually (N.J.A.C. 5:23-2.23; 5:23-3.15), and;

WHEREAS a Certificate of Compliance shall be issued by the Construction office after passing results have been received

WHEREAS, there is a charge for the annual backflow certificate of compliance of \$65.00; and

WHEREAS, this fee has not been included in the Town of Clinton fee schedule;

NOW, THEREFORE, BE IT ORDAINED, that the Town of Clinton Code Book, be amended to include \$65.00 in Chapter 73, Subsection G.

Vote all ayes
Motion carried

A notice of this ordinance will be published in the February 1, 2012 edition of the Hunterdon Review. A second reading and public hearing will be held February 28, 2012.

CORRESPONDENCE - none

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

Chief Matheis thanked Mr. Naples for his great service to the Town for the past year and for the way he handled his position with the Office of Emergency Management during the events of 2011. Chief Mathies wished Jim well in returning to his position in Bridgewater Township.

James T. Naples, PW/Business Administrator

Mr. Naples thanked the Chief and everyone for a quick but successful year. He described the staff as outstanding and very professional, a dedicated Mayor and Council and energetic committees. Mr. Naples told incoming administrator, Rich Phelan, that he is inheriting a very professional staff the top to the bottom and praised local officials saying they work for the residents like no other council he has ever worked with or seen before. Mr. Naples called the administrator position for the Town of Clinton "one of the top two jobs in the State of New Jersey"!!

Mr. Naples gave an overview of the projects overseen during the past year. After several years, the Roads Committee succeeded in getting the application submitted to the NJDOT for the Safe Routes to School Project; the Water Committee faced the Leigh Street water main replacement and a new 2.5 MG water storage tank; the Sewer Committee will see the Wastewater Treatment Plant filter replacement and major changes in the near future.

Kathy Olsen, C.F.O.

Mrs. Olsen asked Council if they would like to discuss scheduling budget meeting dates. The following dates were chosen:

February 15 @ 6pm; February 28 @ 5 pm; March 8 @ 6pm

Councilman Smith

1. Water Committee discussed major water leaks that were discovered by our Water Department staff using listening devices.

Councilman Shea

1. Roads Committee – a meeting will be held Wednesday morning with the Executive Director of the Art Museum to discuss the Lower Center Street plans. Mr. Phelan and Town Engineer, Robert Clerico are invited to attend.
2. Shade Tree – Mr. Shea is finalizing the 2011 Shade Tree application for submission.

Councilwoman Insel

Best wishes to Jim Naples and many thanks for getting the SRTS application completed with his professional expertise!

Black Potato meeting will be held Thursday, January 26 at 6:00 p.m.

Councilman Pendergast

1. Sewer Committee – A new employee, Drew Glaser, has been hired for the Treatment Plant.

Councilwoman Valenta

1. Historical Commission has been working on a “History of Clinton” video narrated by Town Historian and former mayor, Allie McGaheran. It catalogs historic structures from different time periods.
2. Board of Recreation – Summer recreation planning has begun and Director Tiffany Cinquemanni said it will be open to other towns right from the beginning.
3. Board of Health – has gained a new member, Teri Bekos. Sharon Bittenmaster is now the Board President. The Rabies clinic was held January 21, 2012 as scheduled and 267 pets were vaccinated. The new vet is Keith Ross, DVM and he was wonderful!
4. Environmental Commission – met and discussed the River Clean-up for April and getting involved as part of the Green Fair being hosted by the Red Mill Museum Village, April 22.

Councilman Duffy

1. Board of Recreation – Thank you to Sean Rogan for organizing the 4th annual Bonfire held held January 21, 2012. The freshly fallen snow added to the enjoyment! Everyone had a great time!

RESOLUTION # 44-12 – TRANSFER OF FUNDS

A motion was made by Mrs. Valenta seconded by Mr. Smith to adopt Resolution #44-12 as submitted.

RESOLUTION # 44-12

WHEREAS, various 2011 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2011 Budget Appropriation Reserve in the last two months of 2011; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow

transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$22,600.00 be made between the 2011 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Streets & Roads		
Salary & Wages	\$ 1,000.00	
Board of Health		
Other Expenses	\$ 1,000.00	
Unemployment		
Other Expenses	\$ 100.00	
Municipal Clerk		
Other Expenses	\$ 500.00	
Streets & Roads		
Other Expenses		\$ 1,000.00
Buildings & Grounds		
Other Expenses		\$ 1,000.00
Water		
Other Expenses		\$ 100.00
Vehicle Maintenance		
Other Expenses		\$ 500.00
Sewer Utility		
Salary & Wages	\$20,000.00	
Sewer Utility		
Other Expenses		\$20,000.00
TOTALS	<u>\$22,600.00</u>	<u>\$22,600.00</u>

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Duffy, seconded by Mrs. Insel to approve the standby and overtime pay attached to these minutes January 6, 2012 through January 19, 2012.

ROLL CALL: AYES: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Smith seconded by Mr. Pendergast to approve the voucher list attached to these minutes.

ROLL CALL: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #- 46-12 – EXECUTIVE SESSION – Potential Litigation/Contract Negotiations

A motion was made by Mr. Pendergast seconded by Mrs. Insel, to enter into Executive Session at 7:50 p.m. to discuss matters of Attorney Advice/ Potential Litigation and Contract Negotiations.

**RESOLUTION #46-12
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract:

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

X_____Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is: _____the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be

withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____)

OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____)

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be: 20 minutes (estimated length of time) OR upon the occurrence of
BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Vote all ayes

Motion carried

A motion was made by Mr. Smith, seconded by Mr. Duffy, to return to the Regular Council meeting at 8:17 p.m.

Vote all ayes

Motion carried

FOOD LICENSE WAIVERS

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to waive the food license waivers as amended.

Vote all ayes

Motion carried

BLOCK 13 – LOT 21

Council discussed the property dwelling at 21-23 Leigh Street which is under the jurisdiction of Multiple Dwellings in Trenton. Several violations are outstanding for this property and it is time

Trenton is contacted to look into the situation and check on the status with the Director at the Department of Community Affairs.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Valenta to adjourn the meeting at 8:27 p.m..

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Janice Kovach, Mayor